THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION No.1272 of 2007

Date: 02.03.2007

Between:

Srinivas Wood Works.

....Petitioner

And

The Divisional Forest Officer Wild Life Division, Rajampeta, Cuddapah District and another.

....Respondent

THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION No.1272 of 2007

O R D E R:

Petitioner intended to establish a saw mill at Anantharajupeta Village, Kodur Mandal, Kadapa District. He submitted an application in the year 2004. After due verification, the Divisional Forest Officer, Rajampeta, first respondent herein, granted licence on 27.03.2004. Subsequently, on realising that the prohibition imposed by the Hon'ble Supreme Court in its order, dated 16.11.2002 in W.P.No.202 of 1995 operated at the relevant point of time, the first respondent issued show cause notice, dated 07.01.2005, to the petitioner, and on a consideration of the representation received in response thereto, cancelled the licence, through proceedings dated 20.01.2006. The grievance of the petitioner is that his request to the first respondent, to refer the matter to the second respondent for necessary action, is not being acceded to, and seeks appropriate directions in this regard.

The first respondent filed a counter affidavit narrating the circumstances, that led to the grant of saw

mill licence in favour of the petitioner, and cancellation thereof.

Heard the learned counsel for the petitioner, the learned Government Pleader for Forests and the learned Assistant Solicitor General for the second respondent.

It is a matter of record that saw mill licence was issued to the petitioner, subsequent to the orders, dated 16.11.2002, passed by the Hon'ble Supreme Court in W.P.No.202 of 1995. The Hon'ble Supreme Court directed that no saw mill licence shall be issued after that time, without the approval of the Central Empowered Committee, second respondent herein. Therefore, it becomes evident that the prohibition is not absolute, but in a given case, the licence can be granted with the approval of the second respondent. The cancellation of the licence issued to the petitioner cannot be found fault with. Instead of requesting the first respondent, to refer the old application to the second respondent, for grant of licence, the petitioner can as well make a fresh application to the first respondent, which, in turn, shall be forwarded to the second respondent for necessary action.

Hence, the Writ Petition is disposed of, leaving it open to the petitioner to make a fresh application for establishment of a saw mill to the first respondent. On

receipt of the same, the first respondent shall forward it to the second respondent, in accordance with the prescribed procedure, within four (4) weeks. There shall be no order as to costs.

02.03.2007

Note: Issue C.C. in three days

(B/o)

JSU